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CHAIRMAN

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COUNSEL

2008 SEP 15 A 10:29

Brian Wolff  
Democratic Congressional Campaign Committee  
430 South Capitol Street, SE  
Washington, DC 20003

September 12, 2008

Thomasenia Duncan, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

MUR # 16070

**Re: Complaint against Lyle Larson and Lyle Larson for Congress**

Dear Ms. Duncan,

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against Lyle Larson, a candidate for the 23rd Congressional District in the state of Texas, and his campaign committee, Lyle Larson for Congress ("Respondents").

Respondents have plainly violated the Commission's disclaimer requirements for television communications. In a television advertisement that is airing on multiple stations in Larson's district, Larson failed to include a written statement saying that he approved the advertisement. By refusing to follow the law, he has ignored Congress's mandate that he stand fully by the assertions made in the advertisement, even while seeking office in that same Congress. Because paying for a television communication that does not include the required written statement represents a clear violation of federal law, the Commission should act immediately to investigate this matter and impose penalties against him and his campaign.

### **THE FACTS**

Congressional candidate Lyle Larson's campaign committee has paid for a television advertisement that is airing on multiple stations in Larson's district.

PAID FOR BY THE DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE • 430 SOUTH CAPITOL ST. SE • WASHINGTON, DC 20003  
(202) 863-1300 • WWW.DCCC.ORG • NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE

CONTRIBUTIONS OR GIFTS TO THE DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE ARE NOT TAX DEDUCTIBLE



The advertisement is available here:  
<http://www.youtube.com/watch?v=CYnhFzQvdyQ>.

The written disclaimer that appears on screen at the end of the advertisement states as follows: "Paid for by Lyle Larson for Congress." There is no written statement indicating that Larson approved the advertisement.

### **ARGUMENT**

When a candidate authorizes a television communications, he must include a written statement indicating that he approved the communication. See 2 U.S.C. § 441d(d)(1)(B)(ii); 11 C.F.R. § 110.11(c)(3)(iii). The statement must appear in letters equal to or greater than four percent of the vertical picture height and must be visible for a period of at least four seconds. See 11 C.F.R. § 110.11(c)(3)(iii). This requirement is in addition to the requirement that the communication include an audio statement that identifies the candidate and states that he approved the communication, to ensure that voters who might not hear the audio of the ad can still discern that the candidate approved it. See *id.* § 110.11(c)(3)(i), (ii).

The purpose of the requirement is to require candidates to demonstrate their support for the statements made in the advertisement. Larson did not do this. Rather than obey the law and take full responsibility for his ad – which compares Members of Congress to barnyard swine – Larson chose instead to follow his own, invented rules, and take lesser accountability for his ad's claims. The result is a clear, black-and-white violation of federal law.

When, in the first election cycle that McCain-Feingold was in effect, a Texas Congressional campaign issued mailings with the proper disclaimer, but failed to put the disclaimer in a box because of vendor error, the Commission prosecuted the matter through the enforcement process. It extracted a \$6,000 civil penalty with the threat of litigation, even though the campaign had long since been defunct. See MUR 5547. This blatant violation warrants no lesser treatment. With three election cycles of McCain-Feingold under their belts, Larson and his sophisticated media consultants do not have the excuse of having to figure out how to follow a new law.

For these reasons, the Commission should immediately find reason to believe that Larson and the Committee violated the law, and seek civil penalties commensurate with the amounts spent on the advertising.



Sincerely,

*[Handwritten signature]*

SUBSCRIBED AND SWORN to before me this 12 day of September 2008.

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
Notary Public, District of Columbia  
My Commission Expires 7/31/2012  
\_\_\_\_\_

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